

Appl. No. 10/673,306
Reply to Office Action of June 16, 2004
Attorney Docket K-2026

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Official Letter dated June 16, 2004. Claims 1-20 are currently pending for examination. Claims 11-20 have been added as of this amendment, no new matter has been presented. In addition, paragraphs [0002] and [0022] have been amended. Favorable reconsideration of the application is respectfully requested.

1. Amendments to the Specification

In the specification, paragraphs [0002] and [0022] have been amended. Paragraph [0002] has been amended to correct an incorrectly identified reference. Paragraph [0022] has been amended to correct a typographical error. No new matter has been added.

2. Rejection of Claims 1-10 under 35 U.S.C. 103(a)

Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Satran et al. in view of Lillie. The Office Action provides:

“Satran et al. discloses a rotary cutting tool comprising flutes (5a,5c), inserts(6) and receiving pockets for said inserts and most of the claimed invention except for different angular pocket spacing and different axial/radial spacing. Lillie 2 teaches at column 5, lines 13-34 that it is well known in the art to space the insert pockets at various angles and spacings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate and space the components of Satran et al. in the claimed manner as taught by Lillie in order to increase the versatility of the tool such that many types of operations can be performed.”

Applicants respectfully submit that to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. Neither Satran nor Lillie individually or in combination teach all of the claimed limitations of the present invention.

The Examiner appears to acknowledge that Satran does not teach or suggest spacing the insert pockets at various angles and spacings. To overcome the deficiencies of Satran the Examiner has cited Lillie.

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The Examiner contends that Lillie teaches spacing insert pockets at various angles and spacings. Applicant respectfully disagree and submit that Lillie neither teaches or suggests the angular spacing of the cutting inserts within at least one row varies within the row as claimed by Applicants. Lillie teaches at column 5, lines 13-34, that the "relationships may be varied as deemed necessary and/or appropriate to adapt the concepts of the invention to other machining environments or applications." In regard to the relationships, it appears that Lillie is merely referencing the radial spacing of the inserts and axial and radial rake of the inserts. Lillie provides no teaching or suggestion to vary the angular spacing of the cutting inserts within at least one row as claimed.

For at least this reason, independent Claim 1, as well as Claims 2-10 which depend from Claim 1, are allowable over the applied art. Withdrawal of the rejection is respectfully requested.

3. Extension of Time

Applicant hereby Petitions for an extension of time of three months from the Office Action date of June 16, 2004, until December 16, 2004. Please charge the petition fee for such extension to Deposit Account No. 502867.


4. Request For Telephone Interview

As a final matter, if the Examiner has any suggestions concerning different claim phraseology that, in the opinion of the Examiner, more accurately defines the present invention, prior to issuance of another Office Action, Applicant's undersigned attorney requests the courtesy of a telephone interview at the Examiner's earliest convenience to discuss the application. Applicant's undersigned attorney may be contacted at (724) 539-5485.

5. Conclusion

In view of the foregoing remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice Of Allowance is respectfully requested.

Respectfully submitted,



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